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D.C. OFFICE OF ZONING

2015 MAY 12 PM 3:05
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3266 Worthington St., NW
Washington, DC 20015
May 11, 2015

**Zoning Commission
Re: ZC Case 14-13
Proposed Regulations on Rooftop Penthouses**

Dear Chairman Hood and Commissioners:

I am writing with regard to the Office of Planning's proposed text amendments to the zoning regulations pertaining to use and size restrictions of rooftop penthouses.

Now that D.C. real estate is red-hot, developers are exploiting the outsized zoning of rowhouse neighborhoods encoded in the 1958 regulations rewrite--which had urban renewal in mind--without regard for the protections explicitly provided by the much newer Comprehensive Plan. The relatively gargantuan structures being inserted into formerly harmonious blocks look like industrial grain-storage structures that one might find on Midwestern factory farms. Isn't this what zoning is meant to protect residents, and the monumental city, from?

Penthouses threaten to become the latest grenade thrown in a veritable assault on the iconic rowhouse neighborhoods of Washington, DC. They are the Mini-Me's of the pop-up-and-outs created by developers that both distort individual members of the row and maul the overall expression of the block's architecture.

The proposed amendment would have the effect of upzoning neighborhoods all over the city, something resoundingly rejected by the public and the Council during OP's back-door attempt to scuttle the Height of Buildings Act.

For areas zoned R-5B and above, the current penthouse proposal rewards the addition of yet another story atop the one to three stories presently allowed to enable a building to reach 50 feet in height. Allowing for the habitation of the penthouse without it's counting toward FAR will incentivize any developer worth his or her flipping credentials to add that final 10-foot story (without its being called a story) of height and blight, and to push it all the way to neighboring walls

I urge you to adopt the recommendations of Larry Hargrove (who is far more steeped in zoning history and regulations than I). Rather than reinvent the wheel, I will quote from Mr. Hargrove's statement on behalf of the Kalorama Citizens Association of April 20, 2015.

- 1) Extend to all of R-5 rowhouses the prohibition on habitable space in penthouses that now applies to R5-A and lower,**

- 2) Hold penthouse height in all of R-5 and R-4 rowhouses to 10 feet (eliminating the 20-foot matter-of-right and special exception options)
- 3) Require a 1-to-1 setback from adjoining side walls of row houses, as required by the Comp Plan.

In addition, in those districts where [penthouses are granted] use as habitable space use, there should be no exclusion of penthouse floor area from the calculation of allowable Gross Floor Area other than for space used for mechanical equipment.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Andrea E. Rosen". The signature is written in a cursive, flowing style with a large initial 'A'.

Andrea Rosen